

Appl. No. 10/823,281
Examiner: PORTIS, SHANELL L, Art Unit 2617
In response to the Office Action dated April 13, 2006

Date: July 13, 2006
Attorney Docket No. 10114071

REMARKS

**RECEIVED
CENTRAL FAX CENTER
JUL 13 2006**

Responsive to the Office Action mailed on April 13, 2006 in the above-referenced application, Applicant respectfully requests amendment of the above-identified application in the manner identified above and that the patent be granted in view of the arguments presented. No new matter has been added by this amendment.

Present Status of Application

Claims 1-25 are pending in the application. Claims 1-4, 7, 11, 14-18, 21 and 23 are rejected under 35 U.S.C. 102(b) as being anticipated by Weisshappel et al (U.S. 6,141,569, hereinafter "Weisshappel"). Claims 5, 8, 19 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Weisshappel in view of Inubushi et al (U.S. 5,548,824, hereinafter "Inubushi"). Claims 6 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Weisshappel in view of Mortenson et al (U.S. 2005/0046567, hereinafter "Mortenson"). Claims 9-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Weisshappel in view of Phelps III, et al (U.S. 5,895,729, hereinafter "Phelps"). Claims 12, 13, 24 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Weisshappel in view of Chou (U.S. 2002/011189).

In this paper, claims 1 and 15 are amended as described in further detail below. Support for the amendments can be found at least in Fig. 4 and the corresponding description in the specification.

Reconsideration of this application is respectfully requested in light of the amendments and the remarks contained below.

Rejections Under 35 U.S.C. 102(b)

Claims 1-4, 7, 11, 14-18, 21 and 23 are rejected under 35 U.S.C. 102(b) as being anticipated by Weisshappel. To the extent that the grounds of the rejections may be applied to the claims now pending in this application, they are respectfully traversed.

Appl. No. 10/823,281
Examiner: PORTIS, SHANTELL L, Art Unit 2617
In response to the Office Action dated April 13, 2006

Date: July 13, 2006
Attorney Docket No. 10114071

Weisshappel does not teach or suggest that a battery is rotated along a first engaging portion to a predetermined position by means of the first engaging portion and a second engaging portion and is thereby fixed on a body, as recited in claim 1.

To anticipate a claim, a reference must teach every element of the claim. In this regard, the Federal Circuit has held:

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987).

"The identical invention must be shown in as complete detail as is contained in the ... claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989).

Amended claim 1 recites a mobile phone comprising a body and a battery. The body includes a first engaging portion. The battery includes a second engaging portion, wherein the battery is rotated *along the first engaging portion* to a predetermined position by means of the first engaging portion and the second engaging portion and is thereby fixed on the body.

In the office action, the Examiner identifies raised area 200 of Weisshappel as the alleged first engaging portion of the claims, and catch 400 as the alleged second engaging portion of the claims.

With reference to Figs. 2, 4 and 6-7 of Weisshappel, a mobile phone comprises a body and a battery 102. The body includes a raised area 200. The battery includes a catch 400. With particular reference to col. 11, lines 58-63 of the Weisshappel, the battery pack 102 is maintained in the engaging/disengaging position and rotated about the hooked end 404 and

Appl. No. 10/823,281
Examiner: PORTIS, SHANELL L, Art Unit 2617
In response to the Office Action dated April 13, 2006

Date: July 13, 2006
Attorney Docket No. 10114071

angled back until the front surface 146 of the battery pack 102 is in juxtaposition with rear surface 120 of the portable radiotelephone 100.

It is noted that the battery 102 of the mobile phone in Weissappel is not rotated along the raised area 200 to a predetermined position by means of the raised area 200 and catch 400 to fix the battery on the body. Thus, Weissappel fails to teach or suggest that the battery is rotated along a first engaging portion to a predetermined position by means of the first engaging portion and a second engaging portion and is thereby fixed on a body, as recited in claim 1.

For at least the reasons described above, it is Applicant's belief that Weissappel fails to teach or suggest all the limitations of claim 1. Applicant therefore respectfully requests that the rejection of claim 1 be withdrawn and the claim passed to issue. Insofar as claims 2-14 depend from claim 1 either directly or indirectly, and therefore incorporate all of the limitations of claim 1, it is Applicant's belief that these claims are also in condition for allowance.

Weissappel does not teach or suggest that a battery is rotated along a first engaging portion to a predetermined position by means of the first engaging portion and a second engaging portion and is thereby fixed on a body, as recited in claim 15.

Claim 15 recites a device for fixing a battery of an electric apparatus. The electric apparatus includes a body and the battery detachably disposed in the body. The device comprises a first engaging portion and a second engaging portion. The first engaging portion is integrally formed on the body. The second engaging portion is integrally formed on the battery. The battery is rotated *along the first engaging portion* to a predetermined position by means of the first engaging portion and the second engaging portion and is thereby fixed on the body.

For the same reasons discussed in connection with claim 1, Applicant submits that Weissappel fails to teach or suggest a battery rotated along a first engaging portion to a predetermined position by means of the first engaging portion and a second engaging portion and thereby fixed on a body, as recited in claim 15. For at least this, it is Applicant's belief that Weissappel fails to teach or suggest all the limitations of claim 15. Applicant therefore respectfully requests that

Appl. No. 10/823,281
Examiner: PORTIS, SHANTELL L, Art Unit 2617
In response to the Office Action dated April 13, 2006

Date: July 13, 2006
Attorney Docket No. 10114071

the rejection of claim 15 be withdrawn and the claim passed to issue. Insofar as claims 16-25 depend from claim 15 either directly or indirectly, and therefore incorporate all of the limitations of claim 15, it is Applicant's belief that these claims are also in condition for allowance.

Rejections Under 35 U.S.C. 103(a)

Claims 5, 8, 19 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Weisshappel in view of Inubushi. Claims 6 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Weisshappel in view of Mortenson. Claims 9-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Weisshappel in view of Phelps. Claims 12, 13, 24 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Weisshappel in view of Chou.

As noted above, it is Applicant's belief that claims 5-6, 8-10, 12-13, 19-20, 22 and 24-25 are allowable by virtue of their dependency from either claim 1 or claim 15. For this reason, the Examiner's arguments in connection with these claims are considered moot and will not be addressed here.

Foreign Priority Claim

Acknowledgment of receipt of the certified copy of the priority document is respectfully requested.

Conclusion

The Applicant believes that the application is now in condition for allowance and respectfully requests so.

Respectfully submitted,



Nelson A. Quintero
Reg. No. 52,143
Customer No. 34,283
Telephone: (310) 401-6180

P118729NAQ